

**COACHELLA VALLEY MOUNTAINS CONSERVANCY**  
**Regular Meeting – May 10, 2004, 3:00 PM**  
**73-710 Fred Waring Drive, Conference Room 115**  
**Palm Desert, CA 92260**

Tele-conference location - May 10, 2004, 3:00 PM  
*Wildlife Conservation Board, 1807 13<sup>th</sup> Street, Suite 103*  
*Sacramento, CA 95814\**

**AGENDA**

- 1.0 Call to Order
- 2.0 Approval of Minutes of March 8, 2004 meeting
- 3.0 Public Comments

At this time any member of the public may address the Governing Board on any item. The Board cannot take action on an item not on the agenda, but it can place it on the agenda for a future meeting.

- 4.0 Action Items
  - 4.1 Resolution 2004-07 approving a contract with the Coachella Valley Association of Governments for \$100,000 for FY 2003-04 for preparation of the CV MSHCP. [See Attachment 1.]
  - 4.2 Resolution 2004-08 approving a grant to the Friends of the Desert Mountains for the acquisition of 5 acres in the Santa Rosa and San Jacinto Mountains National Monument. [See Attachment 2.]
- 5.0 Closed Session – No matters are scheduled.

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.

6.0 Reports

6.1 Fiscal and Administration [See Attachment 3.]

6.2 Acquisitions and Funding [See Attachment 3.]

6.3 MSHCP/NCCP [See Attachment 3.]

6.4 Attorney General's Report [See Attachment 3.]

6.5 Board Member comments and reports from Conservancy member agencies.  
This is an opportunity for any of the Governing Board Members to present a report on matters of interest regarding the agency he or she represents.

7.0 Adjourn to July 12, 2004 meeting

**\*NOTICE OF TELECONFERENCE MEETING:**

Members of the Conservancy Board will attend the meeting via teleconference. The location of this teleconference site is open to the public and accessible to the disabled.

This agenda is available on our website at <http://www.cvmc.ca.gov>. Anyone with questions about any item on the agenda may contact Katie Barrows or Bill Havert at 73-710 Fred Waring Drive, Suite 205 Palm Desert, CA 92260. The phone number is (760) 776-5026.

## **ATTACHMENT 1 - May 10, 2004**

**Agenda Item 4.1.** Resolution approving a contract with the Coachella Valley Association of Governments (CVAG) for continued provision of services to prepare the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP).

### **BACKGROUND**

Conservancy staff has worked under contract to CVAG for a number of years on the preparation of the MSHCP. At its June meeting the CVAG Executive Committee will consider a contract in the amount of \$100,000 with the Conservancy for continued services on the MSHCP in FY 2004-05. This funding is a crucial component of the Conservancy's budget. The new contract will be the same as the existing contract, except for the increased amount and a new scope of work. Conservancy approval of the contract at this meeting will enable the contract to take effect at the beginning of the new fiscal year on July 1, 2004.

### **RECOMMENDATION**

Staff recommends approval of the attached resolution approving the FY 2004-05 contract with CVAG.

**RESOLUTION 2004-07 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
MAY 10, 2004**

**APPROVING RENEWAL OF THE CONTRACT WITH THE  
COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS  
FOR PREPARATION OF THE  
MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(d) provides that the Conservancy may "Enter into other agreements with public agencies, private entities, and persons necessary for the proper discharge of the conservancy's duties"; and

WHEREAS, Public Resources Code Section 33605 provides that "The conservancy may accept any revenue, money, grants, fees, rents, royalties, goods, services, donations, bequests, or gifts of any interest in real property from any public agency, private entity, or person for any lawful purpose of the conservancy subject to the requirements of Sections 11005 to 11005.7, inclusive, of the Government Code."; and

WHEREAS, the revenue from the contract with the Coachella Valley Association of Governments ("CVAG") for the preparation of the Coachella Valley Multiple Species Habitat Conservation Plan is necessary for the support budget of the Conservancy.

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a contract for \$100,000.00 with CVAG for the Scope of Services shown in Exhibit A, which is hereby incorporated by reference, in conjunction with preparation of the Coachella Valley Multiple Species Habitat Conservation Plan; and

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the contract.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 10th day of May, 2004, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Allan Muth, Chairman  
Coachella Valley Mountains Conservancy

ATTEST: \_\_\_\_\_  
Clara Slifkin  
Deputy Attorney General

## **EXHIBIT A**

### **SCOPE OF SERVICES - FY 2004-05**

The COACHELLA VALLEY MOUNTAINS CONSERVANCY will provide the following services regarding preparation of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP):

- 1. *Project Coordination, Meetings, and Presentations, Public Participation:***
  - Attend meetings of the Project Advisory Group; meetings with the Wildlife and other participating agencies; meetings with stakeholders and land owners; and other meetings as needed to ensure completion of the Plan.
  - Meet with the EIR/EIS Consultants, CVAG's Attorney, and others as needed to coordinate preparation of the Plan, EIR/EIS, Implementation Agreement, and other documents.
  - Assist CVAG in the development of materials for the media and the public.
  - Participate in the public review process, including public forums, meetings with Permittees, the Wildlife Agencies, and interested parties.
- 2. *Complete MSHCP (Plan)***
  - Complete the Public Review Draft.
  - Assist with completion of the DEIR/EIS.
  - Assist with responses to comments after the public review period, prepare the final Plan, and assist with the preparation of the FEIR/EIS.
- 3. *Funding Strategies and Sources***
  - Assist CVAG with developing funding strategies and funding sources for Plan implementation.
- 4. *Other Services As Needed***
  - Assist CVAG by providing other services needed to complete the Plan and obtain approval for it, including assisting in the preparation of ancillary documents such as conservation bank agreements, and a Final Nexus Study.
  - Assist with biological monitoring program.

## **ATTACHMENT 2 – May 10, 2004**

**Agenda Item 4.2.** Resolution 2004-08 approving a grant to the Friends of the Desert Mountains for acquisition of 5 acres in the San Jacinto Mountains in Devil's Canyon.

### **BACKGROUND**

The Friends of the Desert Mountains has requested a grant to acquire 5 acres in Section 5, T7S R7E in the Santa Rosa and San Jacinto Mountains National Monument. The property is located in the City of La Quinta on the alluvial fan below an unnamed canyon approximately 1 mile south of Devil's Canyon. Acquisition of the property would help consolidate conservation ownership in the National Monument and protect critical habitat for the Peninsular Ranges bighorn sheep. Because this property is adjacent to an urbanizing area, it is a particularly important acquisition for implementation of the MSHCP.

In terms of the funding situation, the Conservancy had a carryover of approximately \$6,642,000 from FY 2002-03 of Proposition 40 funds. \$8,000,000 in additional Proposition 40 funds were appropriated for the current fiscal year. Thus, a total of approximately \$14,642,000 was available at the beginning of FY 2003-04. To date this fiscal year, approximately \$1,113,600 has been expended in acquisition projects, leaving a balance of approximately \$13,528,400. The following additional amounts have been committed:

\$ 960,000	Grant to the Friends to acquire up to approximately 384 acres of fee and conservation easement interest of property in Chino Canyon
<u>\$10,000,000</u>	Grant to The Nature Conservancy towards the Cathton property acquisition
\$10,960,000	TOTAL APPROVED NOT YET DISBURSED

The current balance of Prop 40 funds unexpended and uncommitted is, therefore, \$2,568,400. Thus, there are sufficient funds available to fund the proposed project. Staff is also keeping in mind other potential acquisitions that may appear before the Board in the next few months in recommending approval of the grants before the Board this month.

In 2004-05, the Conservancy should receive an additional \$2.9 million in Proposition 40 funds. In addition, approximately \$478,000 has come back to the Conservancy from the Friends as reimbursement from the sale to USFS of land purchased by the Friends with a Conservancy grant. This should be available in FY 2004-05.

### **RECOMMENDATION**

Staff recommends approval of the grant to the Friends.

**RESOLUTION 2004-008 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
MAY 10, 2004**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE  
FRIENDS OF THE DESERT MOUNTAINS FOR ACQUISITION OF PROPERTY  
IN THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL  
MONUMENT**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, APN 753-040-023, comprising 5 acres in Section 5, T7S R7E in the Santa Rosa and San Jacinto Mountains National Monument, possesses important scenic and biological resource values, including critical habitat for the Peninsular Ranges bighorn sheep; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the parcel has been appraised at \$40,000 and the owner has agreed to sell the property to the Friends for that amount; and

WHEREAS, the Friends requests a local assistance grant for the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money in Proposition 40 to fund the acquisition; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b)(3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;



NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a grant of up to \$46,500 (purchase price and closing costs) to the Friends for this acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2004, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy upon the Conservancy's request; and
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports, obtained by the Friends prior to acquisition of said properties.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 10th day of May, 2004, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Allan Muth, Chairman  
Coachella Valley Mountains Conservancy

ATTEST: \_\_\_\_\_  
Clara Slifkin  
Deputy Attorney General

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY**

The east  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of Section 5, Township 7 South, Range 7 East, San Bernardino Baseline and Meridian, being 5 acres more or less, according to U.S. Government survey.

## **ATTACHMENT 3 – May 10, 2004**

### **Agenda Item 6.0: Reports**

#### **6.1 Fiscal and Administration**

No report.

#### **6.2 Acquisitions and Funding**

- The Center for Natural Lands Management has acquired three parcels in the Willow Hole area, totaling 130.76 acres.
- Staff is working with the Trust for Public Land (TPL), exploring the potential for TPL to assist in the acquisition of approximately 1,340 acres in the Thousand Palms Conservation Area and the Stubbe & Cottonwood Canyons Conservation Area.
- The Friends has closed escrow on the eight acquisitions in the Santa Rosa Mountains Wilderness, and has three more properties in escrow. The Friends also has 5 properties in escrow in the Mecca Hills and Orocopia Mountains Wilderness Areas. These acquisitions are being accomplished with a \$1.3 million grant obtained by the Friends from the Resources Legacy Fund Foundation with assistance from the Conservancy.
- Escrow has closed on a 642 acre acquisition by the Friends of the Desert Mountains, using a grant from the Conservancy, in the national forest portion of the Santa Rosa and San Jacinto Mountains National Monument.
- Staff will provide an oral report on the status of the Cathton Investments, Inc. property (Joshua Hills) acquisition.

#### **6.3 Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (Plan)**

The CVAG Executive Committee approved release of the Public Review Draft as soon as final edits are completed and USFWS and CDFG have completed their reviews of the Implementing Agreement and Draft EIR/EIS. Resolution of issues raised by the cities of Desert Hot Springs and Palm Springs appears to have been accomplished. The Plan, Implementing Agreement, and Draft Environmental Impact Report/Environmental Impact Statement are currently undergoing review by the Regional office of USFWS in Portland and the USFWS Solicitor. After completion of this step and publication of a notice in the Federal Register, the documents will be released for public review and comment.

#### **6.4 Attorney General's Report.**

Clara Slifkin will provide an oral report as needed at the meeting.